

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DALE BURDEN,

Plaintiff,

v.

No. 12cv0461 JEC/LAM

**WALTER MEIER (MANUFACTURING),
INC.,**

Defendant.

**ORDER ADOPTING JOINT STATUS REPORT AND
PROVISIONAL DISCOVERY PLAN WITH CHANGES AND
SETTING CASE MANAGEMENT DEADLINES**

THIS MATTER came before the Court on a telephonic Rule 16 Initial Scheduling Conference held on August 14, 2012. Following a review of the attorneys' Joint Status Report and Provisional Discovery Plan filed on August 1, 2012, and after conferring with counsel, the Court adopts the Joint Status Report and Provisional Discovery Plan modified as follows:

- a) Maximum of thirty (30) Interrogatories by each party;
- b) Maximum of forty (40) Requests for Admission by each party;
- c) Maximum of six (6) depositions by Plaintiff and six (6) depositions by Defendant;
- d) Depositions of named parties and experts are limited to 7 hours, unless extended by agreement of the parties; depositions other than of named parties and experts are limited to 4 hours unless extended by agreement of the parties.

The following case management deadlines have been set:

- a) Plaintiffs' Rule 26 (a)(2) expert disclosure¹: November 14, 2012
- b) Defendant's Rule 26 (a)(2) expert disclosure¹: December 14, 2012
- c) Termination date for discovery: January 14, 2013
- d) Motions relating to discovery to be filed by: February 4, 2013
- e) Pretrial motions other than discovery motions (including motions which may require a Daubert hearing) filed by: February 25, 2013
- f) Pretrial Order: Plaintiffs to Defendant by: May 14, 2013
Defendant to Court by: May 28, 2013
- g) Telephonic case management status conference: November 13, 2012 @ 9:30 a.m.

Any extension of the case management deadlines must be approved by the Court. Any requests for additional discovery must be submitted to the Court by motion prior to the expiration of the discovery deadline.

Plaintiffs will have until September 14, 2012, to add additional parties or to amend pleadings pursuant to Fed. R. Civ. P. 15 which may require the opposing party's written consent or leave of Court and Defendants will have until October 15, 2012, to add additional parties or to amend pleadings pursuant to Fed. R. Civ. P. 15 which may require the opposing party's written consent or leave of Court.

¹ All expert witnesses must be disclosed by this date, but only those who are retained or specifically employed to provide expert testimony must submit an expert report. See Fed. R. Civ. P. 26(a)(2)(B); *Musser v. Gentiva Health Servs.*, 356 F.3d 751 (7th Cir. 2004); *Farris v. Intel Corp.*, 493 F.Supp. 2d 1174 (D.N.M. 2007), and *Blodgett v. United States*, 2008 WL 1944011 (D. Utah). The parties must have their expert(s) ready to be deposed at the time they identify them and provide their reports.

A settlement conference has been scheduled for **Tuesday, January 8, 2013 @ 9:30 a.m., in Las Cruces, New Mexico.**

IT IS SO ORDERED.



LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE